UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER
7590	09/23/2004		TANG, KUO LIANG J

Frank Chau
F. CHAU & ASSOCIATES, LLP
1900 Hempstead Turnpike, Suite 501
East Meadow, NY 11554

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/04/01*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the application filed on 12/04/2001.

Claims 1-30 are pending and have been examined.

The priority date for this application is 12/04/2000.

Oath/Declaration

2.   The declaration filed on 12/27/2001 has been put on record but contains the following

informality.

> *It does not state that the person making the oath or declaration acknowledges the duty to
> disclose to the Office all information known to the person to be material to patentability as defined
> in 37 CFR 1.56.*

As stated in 37 CFR § 1.63, the Applicant must disclose information material to

patentability under 37 C.F.R. 1.56, not a subset of 37 C.F.R. 1.56 (e.g. 1.56(a) - see para "We

hereby claim the benefit ... of the application: " of instant declaration). Applicant is kindly

asked to refer to 37 C.F.R. § 1.63 of the current MPEP, which now states that "... the person

making the oath or declaration acknowledges the duty to disclose to the Office all information

known to the person to be material to patentability as defined in § 1.56.", and apply the right

form accordingly. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this

application by application number and filing date is gently asked to be re-submitted. See MPEP

§§ 602.01 and 602.02.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 merely claims an application development tool comprising plurality of modality-specific editors, model generator and plurality of rendering units. The plurality of modality-specific editors, model generator and plurality of rendering units are merely software components (e.g. computer program per se). Such claimed matter is descriptive material per se, non-functional descriptive material, and is not statutory because it is not a physical "thing" nor a statutory process, as there are no "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer program's functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 558 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978). See MPEP § 2106(IV)(B)(1)(a).

Claims 2-15 which depend on claim 1 are also reject under the same reason.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-7 and 9-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gergic

et al., US Pub. No. 2003/0046316 (hereinafter Gergic).

As Per Claim 1, Gergic teaches that a new application programming language is provided

which is based on user interaction with any device which a user is employing to access any type

of information. The new language is referred to herein as a "Conversational Markup Language"

(CML) (E.g. see Abstract and associated text). In that Gergic discloses an application

development tool, comprising:

"a plurality of modality-specific editors for generating one or more modality-specific

representations of an application (E.g. FIG. 9 and associated text)";

"a model generator for generating a modality-independent representation from a

modality-specific representation and for generating a modality-specific representation from the

modality-independent representation (E.g. FIG. 9-11 and associated text)"; and

"a plurality of rendering units for rendering corresponding modality-specific

representations for view by a user (E.g. FIG. 14 and associated text, i.e. pages 48-49, section

[1337])".

As Per claim 2, the rejection of claim 1 is incorporated and further Gergic teaches:

"wherein the rendering units comprise browsers (E.g. see page 7, section [0087])".

As Per claim 3, the rejection of claim 1 is incorporated and further Gergic teaches:

"wherein at least one modality-specific editor comprises a WYSIWYG (what you see is

what you get) editor (E.g. see page 47, section [1327])".

As Per claim 4, the rejection of claim 1 is incorporated and further Gergic teaches:

"a display for displaying a view of the modality-independent representation (E.g. see

page 7, section [0095])".

As Per claim 5, the rejection of claim 4 is incorporated and further Gergic teaches:

"wherein a portion of the displayed modality-independent representation is highlighted to

indicate that the portion was non-deterministically selected by the tool based on a modality-

specific representation (E.g. see FIG. 11 and associated, i.e. see page 3, section [0023] and page 48, section [1331])".

As Per claim 6, the rejection of claim 1 is incorporated and further Gergic teaches:

"wherein a modification in a modality-specific representation is automatically reflected in the modality-independent representation and at least one other modality-specific representation (E.g. FIG. 9-11 and associated text)".

As Per claim 7, the rejection of claim 1 is incorporated and further Gergic teaches:

"means for flagging a component of a modality-specific representation to indicate that the interaction associated with the component is not synchronized across other modality-specific views (E.g. see page 3, section [0021] and page 7, section [0095])".

As Per claim 9, the rejection of claim 1 is incorporated and further Gergic teaches:

"wherein the tool supports a single authoring programming model (E.g. see page 46, section [1298])".

As Per claim 10, the rejection of claim 9 is incorporated and further Gergic teaches:

"wherein the single authoring programming model comprises an interaction-based programming model (E.g. see ABSTRACT)".

As Per claim 11, the rejection of claim 10 is incorporated and further Gergic teaches:

"wherein the interaction-based programming model comprises an interaction model to describe user interaction with the application and a data model to describe data that is manipulated during the interaction (E.g. see page 5, section [0051-0053])".

As Per claim 12, the rejection of claim 11 is incorporated and further Gergic teaches:

"wherein the interaction-based programming model further comprises meta-information for customizing the application to one or more particular channels (E.g. see page 3, section [0022-0023])".

As Per claim 13, the rejection of claim 1 is incorporated and further Gergic teaches:

"13. The application development tool of claim 1, wherein the tool supports a multiple authoring programming model (E.g. see FIG. 10 and associated text)".

As Per claim 14, the rejection of claim 13 is incorporated and further Gergic teaches:

"wherein the multiple authoring programming model comprises a plurality of channel-specific snippets (E.g. see page 35, section [1090]) for each of a plurality of modalities that are synchronized with each other (E.g. see FIG. 14-15 and associated text)".

As Per claim 15, the rejection of claim 14 is incorporated and further Gergic teaches:

"wherein the synchronization between channel-specific interaction components are expressed by events in one channel-specific snippet that triggers an event handler in another channel-specific snippet (E.g. see page 13, section [0318]) ".

As Per claim 16, Gergic teaches a method for authoring an application, comprising the

steps of:

"editing a first modality-specific view of the application (E.g. see FIG. 9, view V0 and

associated text); updating an application model in response to the editing of the first modality

specific view; and adapting a second modality-specific view of the application (E.g. see FIG. 9,

view V1 and associated text) based on the updated application model" (E.g. see FIG.4, 9-11, 14-

15 and associated text, i.e. see page 14, section [0327]).

As Per claim 17, the rejection of claim 16 is incorporated and further Gergic teaches:

"the step of rendering a modality-specific view using an associated browser" (E.g. see

FIG.4, 9-11, 14-15 and associated text).

As Per claim 18, the rejection of claim 16 is incorporated and further Gergic teaches:

"wherein the application model comprises an interaction logic and customization meta-

data page"(E.g. see page 50, section [1349]).

As Per claim 19, the rejection of claim 16 is incorporated and further Gergic teaches:

"the step of automatically generating a corresponding modality-specific representation

for each modality supported by the application through a transformation of the application

model" (E.g. see FIG.10 and associated text, i.e. see page 47-48, section [1330]).

As Per claim 20, the rejection of claim 16 is incorporated and further Gergic teaches:

"the step of automatically generating the application model from a modality-specific

representation generated during the editing step" (E.g. see FIG.4, 9-11, 14-15 and associated

text, i.e. see page 14, section [0327] and page 47-48, section [1330]).

As Per claim 21, the rejection of claim 16 is incorporated and further Gergic teaches:

"the step of accessing and editing the application model "(E.g. see FIG.4, 9-11, 14-15 and

associated text, i.e. see page 14, section [0327] and pages 47-48, section [1330]).

As Per claim 22, the rejection of claim 21 is incorporated and further Gergic teaches:

"the step of displaying the application model in a window in one of a DOM (document

object model), text, and symbolic representation" (E.g. see page 6, section [0063]).

As Per claim 23, the rejection of claim 22 is incorporated and further Gergic teaches:

"the step of highlighting a portion of the displayed application model that were built non-

deterministically (E.g. see FIG. 11 and associated, i.e. see page 3, section [0023] and page 48,

section [1331])".

As Per claim 24, the rejection of claim 16 is incorporated and further Gergic teaches:

"wherein the application comprises a multi-channel application, wherein a given page

comprises snippets associated with the first and second modality-specific views (E.g. see FIG.

14-15 and associated text , i.e. page 35, section [1090])".

As Per claim 25, the rejection of claim 16 is incorporated and further Gergic teaches:

"wherein the method steps are performed by an application authoring tool" (E.g. see page 7, section [0092] and page 47, section [1327]).

As Per Claim 26, is the program storage device readable claim corresponding to the method claim 16 and is rejected under the same reason set forth in connection of the rejection of claim 16.

As Per claim 27, Gergic teaches a method for authoring an application, comprising the steps of:

"separately editing a plurality of modality-specific views" (E.g. see FIG. 9 and associated text , i.e. page 47, section [1325]);

"automatically generating a modality-specific model for each view" (E.g. see FIG. 9 and associated text , i.e. page 47, section [1325]); and

"merging blocks of the modality-specific models to generate a single representation of an application model" (E.g. see FIG. 4, 5A-5B and associated text, i.e. see page 7, section [0095]).

As Per claim 28, the rejection of claim 27 is incorporated and further Gergic teaches:

"adding synchronization information to merged blocks" (E.g. see pages 6-7, section [0086] and page 7, section [0095]).

As Per claim 29, the rejection of claim 28 is incorporated and further Gergic teaches:

"wherein the application models comprises a pseudo DOM (document object model)

representation of the application, wherein interaction components comprise blocks in each

modality that are synchronized with each other" (E.g. see page 6, section [0063]).

As Per claim 30, the rejection of claim 27 is incorporated and further Gergic teaches:

"wherein the method steps are performed using a application development tool" (E.g. see

page 7, section [0092] and pages 45-46, section [1292]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gergic in view of

Guhr et al. US Patent No. 6,609,246 (hereinafter Guhr).

As Per Claim 8, the rejection of claim 1 is incorporated and further Gergic disclosed

editor. Gergic doesn't explicitly disclose a plug-in. However, Guhr in an analogous art teaches

teaches "wherein each modality-specific editor comprises a plug-in" (see FIG. 3 and associated

text, i.e. col. 4:12-26). Therefore, it would have been obvious to incorporate the teaching of Guhr into the teaching of Gergic to implemented as a "plug-in" to a text editor. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide the system with an alternative option if the editor does not have a proper interface.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

After October 25, 2004, examiner can be reached at new telephone number (571) 272-3705, and the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kuo-Liang J. Tang

Software Engineer Patent Examiner

ANTONY NGUYEN-BA
PRIMARY EXAMINER